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7		RE THE
8 9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		7 .
11	In the Matter of the Accusation Against:	Case No. 2011-22
12	EVELYN MANIACUP BUAN	ACCUSATION
13	4203 Arboretum Drive Pasadena, Texas 77505	
14	Registered Nurse License No. 619144	
15	Respondent.	
16.		
17	Complainant alleges:	
18	PARTIES	
19	1. Louise R. Bailey, M.E.D., RN ("Complainant") brings this Accusation solely in her	
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20	,	omplainant") brings this Accusation solely in her er of the Board of Registered Nursing ("Board"),
20 21	,	
	official capacity as the Interim Executive Offic	
21	official capacity as the Interim Executive Offic Department of Consumer Affairs. Registered Nurse License	
21 22	official capacity as the Interim Executive Offic Department of Consumer Affairs. Registered Nurse License 2. On or about June 2, 2003, the Boar	er of the Board of Registered Nursing ("Board"),
21 22 23	official capacity as the Interim Executive Offic Department of Consumer Affairs. Registered Nurse License 2. On or about June 2, 2003, the Boar 619144 to Evelyn Maniacup Buan ("Responde	er of the Board of Registered Nursing ("Board"), rd issued Registered Nurse License Number
21 22 23 24	official capacity as the Interim Executive Offic Department of Consumer Affairs. Registered Nurse License 2. On or about June 2, 2003, the Boar 619144 to Evelyn Maniacup Buan ("Responde	er of the Board of Registered Nursing ("Board"), rd issued Registered Nurse License Number nt"). The registered nurse license was in full force
21 22 23 24 25	official capacity as the Interim Executive Offic Department of Consumer Affairs. Registered Nurse License 2. On or about June 2, 2003, the Boar 619144 to Evelyn Maniacup Buan ("Responde and effect at all times relevant to the charges by	er of the Board of Registered Nursing ("Board"), rd issued Registered Nurse License Number nt"). The registered nurse license was in full force
21 22 23 24 25 26	official capacity as the Interim Executive Offic Department of Consumer Affairs. Registered Nurse License 2. On or about June 2, 2003, the Boar 619144 to Evelyn Maniacup Buan ("Responde and effect at all times relevant to the charges by 2010, unless renewed.	er of the Board of Registered Nursing ("Board"), rd issued Registered Nurse License Number nt"). The registered nurse license was in full force

STATUTORY PROVISIONS

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action....

COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by the Board of Nurse Examiners for the State of Texas)

7. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the Board of Nurse Examiners for the State of Texas ("Texas Board"), as follows:

- 8. On or about May 31, 2006, pursuant to Findings of Fact, and Conclusions of Law, in the disciplinary action entitled *In the Matter of Registered Nurse License No. 599103 Issued to:*Evelyn Maniacup Buan, the Texas Board disciplined Respondent's nursing license.
- 9. The Texas Board ordered Respondent to receive the sanction of remedial education including not practicing nursing outside the sate of Texas without the written permission of the Texas Board, taking and completing a course in Texas jurisprudence, nursing documentation, and patient safety, within one year. The discipline ordered by the Texas Board was ordered as a result of the following;
 - a. On or about July 5, 2005, while employed at Kindred Hospital Houston Northwest, in Pasadena, Texas, Respondent failed to correctly administer 'moderate/conscious sedation medications', as ordered by the physician, to Patient Medical Record Number 14274. Respondent failed to verify by calculation the appropriate dosage of *Succinylcholine chloride*, and consequently failed to question the excessive dose ordered by the physician prior to administering the medication to the patient. Respondent states she administered the medication prematurely before the physician arrived and before the patient was intubated, which resulted in the patient experiencing respiratory arrest. In addition, Respondent failed to request assistance from the Charge Nurse in the emergent intubation procedure that followed. Respondent's conduct may have contributed to the patient suffering respiratory arrest.
 - b. On or about July 5, 2005, while employed at Kindred Hospital Houston Northwest, in Pasadena, Texas, Respondent failed to accurately and completely report and document in Patient Medical Record Number 14274, the change in patient status, nursing assessment and evaluation, and the necessary interventions elicited for stabilization of the patient. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that stabilization of the patient. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have complete information on which to base their care decisions.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

10. Respondent is subject to discipline under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, Respondent committed acts constituting unprofessional conduct, as more particularly set forth in paragraphs 7 through 9, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 619144, issued to Evelyn Maniacup Buan;
- 2. Ordering Evelyn Maniacup Buan to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: July 8, 2010

LOUISE R. BAILEY, M.E.D., RN

Interim Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California

LA2010502950

Complainant